

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CLARK W. CHANNEL and U.S. POSTAL SERVICE,
POST OFFICE, Birmingham, Ala.

*Docket No. 96-2258; Submitted on the Record;
Issued June 12, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has established an emotional condition causally related to compensable factors of his federal employment.

In the present case, appellant filed a claim alleging that he sustained emotional stress causally related to his federal employment. Appellant indicated on the claim form that he received a letter of removal, and he also noted a "buildup of other" stress-related problems.¹ In a letter dated February 21, 1995, appellant described incidents alleged as contributing to his emotional condition: (1) a 14-day suspension received on October 30, 1995; (2) after reporting a work injury on November 6, 1995, a meeting was held and appellant was told to he would have to report details of the injury to a fact-finding board; appellant opined that this meeting was arranged to have him incriminate himself; (3) on November 21, 1995 a supervisor discussed leave slips dated in August, which appellant claimed were not his leave slips; appellant opined that this was another attempt to build a disciplinary case against him; and (4) a December 5, 1995 notice of proposed removal.

In a decision dated April 18, 1996, the Office denied appellant's claim on the grounds that he had not established an injury in the performance of duty. The Office found that appellant had not established compensable factors of employment as contributing to his condition.

The Board has reviewed the record and finds that appellant has not established an emotional condition causally related to his federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the

¹ Appellant filed a traumatic injury claim (Form CA-1), although the Office of Workers' Compensation Programs indicated in a January 24, 1996 letter to appellant that it appeared the claim was for an occupational illness produced in the work environment over a period longer than a single workday. 20 C.F.R. § 10.5(16).

presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.² The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.³ Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.⁴

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or illness has some connection with the employment but nevertheless does not come within the coverage of workers' compensation. These injuries occur in the course of the employment and have some kind of causal connection with it but nevertheless are not covered because they are found not to have arisen out of the employment. Disability is not covered where it results from an employee's frustration over not being permitted to work in a particular environment or to hold a particular position, or secure a promotion. On the other hand, where disability results from an employee's emotional reaction to his regular or specially assigned work duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.⁵

In this case, the incidents described by appellant, which include a 14-day suspension, a meeting regarding an injury on November 6, 1995, a discussion with his supervisor about leave slips, and a letter of removal from employment, are all in the nature of administrative actions of the employing establishment. Although generally related to employment, such matters are administrative functions of the employer, rather than duties of the employee.⁶ Unless there is evidence of error or abuse in an administrative matter, coverage will not be afforded.⁷

Appellant has not submitted probative evidence of error or abuse by the employing establishment in this case. He did indicate that an EEO (Equal Employment Opportunity) complaint was filed, but no evidence was submitted which could support a finding of error or abuse by the employing establishment in the administrative matters identified by appellant.

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

³ *See Walter D. Morehead*, 31 ECAB 188 (1979).

⁴ *Manuel Garcia*, 37 ECAB 767 (1986).

⁵ *Lillian Cutler*, 28 ECAB 125 (1976).

⁶ *Anne Livermore*, 46 ECAB 425 (1995); *Michael Thomas Plante*, 44 ECAB 510 (1993).

⁷ *Jimmy Gilbreath*, 44 ECAB 555 (1993).

Accordingly, the Board finds that appellant has not substantiated a compensable factor of employment in this case. Since appellant has not established a compensable work factor, the Board will not address the medical evidence.⁸

The decision of the Office of Workers' Compensation Programs dated April 18, 1996 is affirmed.

Dated, Washington, D.C.
June 12, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

⁸ See *Margaret S. Krzycki*, 43 ECAB 496 (1992).